THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.22986 of 2002

ORDER:

1 Petitioner purchased 133.33 Sq. Yards in S.No.88 on Hanumakonda road, Jangaon under registered sale deed dated 23.02.2001 and sought mutation of his name in the assessment registers of the respondent-Municipality. By the order impugned the petitioner was informed that in view of the letter dated 14.06.2001 of the District Collector, Warangal that land bearing S.Nos. 87, 88, 89, 146, 158, 159 and 160 of Jangaon village should not be registered and no changes should be made, they are unable to take any further action. Questioning the same, the petitioner filed this Writ Petition.

2 When the Writ Petition came for admission, a learned Judge while admitting the same passed the following interim order in W.P.M.P.28826 of 2002.

> "Prima facie the basis for the impugned order appears to be the proceedings of the District Collector, Warangal dated 14.6.2001. The said proceedings are, on the face of it, without jurisdiction. The only way to prohibit registration in respect of certain survey numbers is by issuance of Notification under Section 21-A of the Registration Act. As long as that is not issued, neither the District Collector nor the Revenue Divisional Officer can scuttle the transfers.
> Accordingly, there shall be interim direction to the respondent to consider the application dated 26.8.2002 of the petitioner without reference to the proceedings of the District Collector dated 14.6.2001 and the Revenue Divisional Officer, Jangaon dated 18.12.2001."

3 In the counter affidavit filed by the Commissioner of the respondent-Municipality, it is stated that in view of the letter dated 14.06.2001 of the District Collector, Warangal, and the communication received from the Revenue Divisional Officer, they intimated the petitioner that his name cannot be mutated.

4 Heard the learned counsel for the petitioner. There is no representation on behalf of the respondents.

5 Since there is no notification under Section 21-A of the Registration Act prohibiting registration of the land in S.No.88, the

document in favour of the petitioner would be valid and so his name should be mutated in the registers maintained by the respondent municipality. If the vendor of the petitioner is not the real owner, and if somebody else or the Government is the real owner of the property purchased by the petitioner, they should agitate their rights in proper forum and seek declaration of title to the land purchased by the petitioner. When the vendor whose name is registered in the municipal registers sells the property, the municipality is bound to mutate the name of the purchaser of that property from that vendor. It cannot, merely because the District Collector has given some instructions, deny mutation of the name of the purchaser.

6 Therefore, the action of the respondent-Municipality in denying mutation of the name of the petitioner in the relevant registers, on the basis of the communication received from the District Collector, is unsustainable. So the respondent is directed to mutate the name of the petitioner in the relevant register.

7 The writ petition is accordingly allowed. No costs.

Justice C.Y.Somayajulu

25.10.2007

kvsn